JUL 24 2000

U.S. Department of Transportation
Research and Special Programs Administration

400 Seventh Street, S.W.
Washington, D.C. 20590

DOT-E 9166
(SEVENTH REVISION)

EXPIRATION DATE: June 30, 2002

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Comptank Corporation, Bothwell, Ontario, Canada (US AGENT: North American Transportation Consultants, Incorporated, Hightstown, New Jersey)

2. PURPOSE AND LIMITATIONS:

This exemption authorizes the continued use of glass fiber reinforced plastic cargo tanks manufactured and certified prior to September 1, 1995 for use in the transportation in commerce of certain hazardous materials described in paragraph 6 below. This exemption provides no relief from any regulation other than as specifically stated herein.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 107.503(b) and (c) in that the manufacturer does not hold an ASME "U" or National Board "R" stamp; § 172.102(c)(3); Special Provisions B15, B23, § 173.241, § 173.242, § 173.243, § 178.340, § 178.342, § 178.343, § 180.405, and § 180.413(d) in that the use of non-DOT specification cargo tank motor vehicles is authorized.

5. BASIS: This exemption is based on the application of Comptank Corporation dated June 27, 2000, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identification Number	Packing Group
Class 8 materials authorized to be transported in a lined MC-312 cargo tank motor vehicle, Class 8 liquid and semi-solid waste materials specific chemical name or generic description as appropriate	8	Various	I, II or III
Class 3 liquid and semi-solid waste materials/specific chemical name or generic description as appropriate	3	Various	I, II or III
Class 6.1 liquid and semi-solid waste materials/specific chemical name or generic description as appropriate	6.1	Various	I, II or III
Class 9 liquid and semi-solid waste materials/specific chemical name or generic description as appropriate	9	Various	I, II or III

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

PACKAGING - For the transportation of hazardous materials identified in paragraph 6 above, the packagings prescribed are non-DOT specification glass fiber reinforced plastics (GRFP) cargo tank motor vehicles having a design pressure of 35 psig and a normal capacity of 5,680 U.S. gallons. Tanks must be designed and constructed in accordance with Composite Engineering drawings CE-101-83 through CE-108-83 dated September 1983, calculations, and technical specifications on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA). No new construction is authorized.

a. The GFRP cargo tanks must be in compliance with §§ 173.241, 173.242 or 173.243, as prescribed in the Hazardous Materials Table (172.101), except that Special Provisions, B15 and B23 are waived. In addition, they must meet all requirements for the MC-312 specification cargo tank motor vehicle (§§ 178.340 and 178.343), except as follows:

1. §§ 178.340-3, 178.343-2(a) - Type of material does not apply. Instead, tank shell, heads and fittings must be constructed of GFRP in accordance with the data on file with the OHMEA.

2. § 178.340-5 - Not applicable.

3. § 178.340-7 - Reinforcement provided by the GFRP-FOAM-GFRP and GFRP-BALSA-GFRP sandwich construction may be substituted for the circumferential reinforcement prescribed in § 178.340-7 provided the resultant reinforcement produces a structural integrity at least equal to that prescribed in § 178.340-4(b).

4. § 178.340-10(b)(1)- "DOT-E 9166" must be stamped on the line which reads "Specification identification" on the metal certification plate.

5. § 178.340-10(c) - The manufacturer's certificate retained by the motor carrier must be appropriately modified to reflect compliance with the terms of this exemption.

b. For the transportation of hazardous waste materials, the packaging prescribed is a non-DOT Specification glass fiber reinforced plastics (GFRP) cargo tank designed and constructed in accordance with Composite Engineering drawing CE-101V-1-84 dated May, 1984, on file with the OHMEA. No new construction is authorized. The GFRP cargo tanks must be in full compliance with DOT Specification MC-307 or MC-312 (§§ 178.340, 178.342, and 178.343) cargo tanks except as follows:

1. §§ 178.340-3, 178.343-2(a)- Type of material does not apply. Instead, tank shell, heads and fittings must be constructed of GFRP in accordance with the data on file with the OHMEA.

2. § 178.340-5 - Not applicable.

3. § 178.340-7 - Reinforcement provided by the GFRP-FOAM-GFRP and GFRP-BALSA-GFRP sandwich construction may be substituted for the circumferential reinforcement prescribed in § 178.340-7 provided the resultant reinforcement produces a structural integrity at least equal to that prescribed in § 178.340-4(b).

4. § 178.340-9 - Vacuum pumps and separators may not be mounted on the cargo tank shell or heads.

5. § 178.340-10(b)(1) - "DOT-E 9166" must be stamped on the line which reads "Specification identification" on the metal certification plate.

6. § 178.340-10(c) - The manufacturer's certificate retained by the motor carrier must be appropriately modified to reflect compliance with the terms of this exemption.

7. §§ 178.342-1(b), 178.343-1(c) - Tanks must have a minimum internal design pressure of 35 psig and a minimum external design pressure of 15 psig. The internal design pressure must be at least

equal to the maximum pressure for unloading. Vacuum tanks must have an external design pressure of at least 15 psig. The ASME "U" stamp is not required.

8. §§ 178.342-5(a), 178.343-5(b) - In place of the required internal valves, each tank may be equipped with one 6-inch maximum diameter bottom outlet stop valve and one optional 4-inch maximum diameter bottom inlet stop valve located near the rear of the tank protected by the under carriage. Each bottom outlet and each bottom inlet must be equipped with an additional shut-off valve, or a blank flange or sealing cap. Each stop valve must be provided with a remote means of closure located not less than 10 feet from the stop valve. In addition, for cargo tanks in Class 3 or Division 6.1 material service, each stop valve must be self closing and must be able to be closed in case of fire or accident by an automatic heat-actuated means which must become effective at a temperature not over 250° F.

B. OPERATIONAL CONTROLS:

1. Tanks that are to be used in transporting Class 3 waste materials must be equipped with a spring loaded relief valve.

2. The compatibility of commodities and the GFRP cargo tank must be based on ASTM C 581 "Standard Test Method for Chemical Resistance of Thermosetting Resins Used in Glass Fiber Reinforced Structures". Test reports must be maintained by the owner or manufacturer for as long as the cargo tank remains in active operation.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.

b. A person who is not a holder of this exemption, but receives a package covered by this exemption, may reoffer it for transportation provided no modifications or changes are made to the package and it is offered for transportation in conformance with this exemption and the HMR.

c. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

d. Each packaging manufactured under the authority of this exemption must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials Exemptions and Approvals for a specific manufacturing facility.

e. A current copy of this exemption must be maintained at each facility where the package is manufactured under this exemption. It must be made available to a DOT representative upon request.

f. The Manufacturer's Data Report for the first cargo tank fabricated must be submitted to the Office of Hazardous Materials Exemptions and Approvals prior to the initial shipment of hazardous materials.

g. Each cargo tank must be reinspected and retested in accordance with § 180.407(c) as prescribed for DOT specification MC-312 cargo tanks.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS:

a. A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

b. Drivers must have been instructed as to necessary safeguards and proper procedures in the event of unusual delay, fire or accident.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, Parts 171-180.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8 who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS:

a. Any cracks, delaminations, gourges, debonding or linear deterioration found during the visual inspection that could substantially reduce the structural integrity of the cargo tank must be reported to the OHMEA.

b. The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued at Washington, D.C.

R. Ryan Posten

JUL 24 2000

Robert A. McGuire
Acting Associate Administrator
for Hazardous Materials Safety

(DATE)

JUL 24 2000

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590. Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, SW, Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: sln